

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

DAWN CURRY PAGE, an individual;
GLORIA PERSONHUBALLAH, an
individual; JAMES FARKAS, an individual,

Plaintiffs,

v.

CHARLIE JUDD, in his capacity as Chairman
of the Virginia State Board of Elections;
KIMBERLY BOWERS, in her capacity as
Vice-Chair of the Virginia State Board of
Elections; DON PALMER, in his capacity as
Secretary of the Virginia State Board of
Elections,

Defendants.

Civil Action No. 3:13-cv-678

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Pursuant to the Court's oral instruction issued at the November 21, 2013 status conference, Plaintiffs Dawn Curry Page, Gloria Personhuballah, and James Farkas, and Defendants Charlie Judd, Kimberly Bowers, and Don Palmer present this Joint Status Report and Discovery Plan.

1. Nature of the Case

Plaintiffs bring this action pursuant to 42 U.S.C. § 1983, alleging that Virginia's Congressional District 3 constitutes a racial gerrymander, in violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Defendants deny Plaintiffs' allegations.

2. Results of Rule 26(f) Conference

The parties conducted a Rule 26(f) conference on November 22, 2013. During both the Court's November 21, 2013 status conference and the parties' subsequent Rule 26(f) conference, the following topics were discussed:

(A) Prompt case resolution

The Court has set in motion an expedited schedule with respect to expert disclosures: Plaintiffs must serve expert disclosure(s) no later than November 25, 2013, Plaintiffs must serve their expert report(s) no later than December 6, 2013, and Defendants must serve their expert report(s) no later than January 6, 2014. The Court has also established a briefing schedule on Plaintiffs' proposed remedy assuming a finding in their favor on liability: Plaintiffs must file and serve their initial brief no later than December 6, 2013, Defendants must file and serve their response brief no later than December 13, 2013, and Plaintiffs must file and serve their reply brief no later than December 16, 2013.

(B) Related cases

There are no related cases.

(C) Electronically Stored Information

All relevant information which is available on electronic storage media is discoverable, whether readily readable ("active") or "deleted" but recoverable. In the event a party believes producing electronically stored information will be overly burdensome or otherwise prohibitive, the parties shall confer and seek an appropriate resolution before bringing the issue to the Court, if necessary.

(D) Privilege issues

The parties do not anticipate any special issues related to privilege. Any claims of privilege that arise will be addressed by counsel, who will request that the Court enter orders by consent or by adjudication if the matters cannot be resolved by agreement.

3. Deadlines for Joining Additional Parties

The parties agree that a reasonable deadline for joining additional parties is 10 days from the date of this filing.

4. ADR Method

The parties believe that this case is not amenable to mediation.

5. Discovery Plan

The parties agree that: (1) all written discovery shall be subject to an expedited, 10 day deadline for objections and 15-day response deadline to include a privilege log for responses to document requests; (2) each party or intervenor may serve on any other party or intervenor no more than 15 interrogatories; (3) each party or intervenor may serve on any other party or intervenor no more than 15 requests for production or other document requests; (4) each party may take no more than 5 depositions; and (5) each deposition shall last no longer than one seven-hour day.

6. Discovery completion date

The parties agree that discovery cutoff shall be two weeks before the trial date, which has yet to be determined by the Court, and the discovery cutoff shall be subject to revision by the Court based on any determination of deadlines for filing dispositive motions.

7. Jury trial or not

The parties agree that this case will be heard by the Panel and is not amenable to a jury trial.

8. Dispositive motions

The defendants have asserted that this matter is appropriate for dismissal by summary judgment. Consistent with the discussion with the Court at the November 21 status conference, plaintiffs do not agree that summary judgment is appropriate. The parties agree that upon the setting of a trial date, they will confer on the setting of deadlines for filing and responding to summary judgment motions, including compression of briefing deadlines if necessary, and shall bring this issue to the Court for final determination. Plaintiffs reserve their right to contend that the Court should not consider motions for summary judgment.

Dated: November 25, 2013

Respectfully submitted,

By: /s/ (by JKR with permission)
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 2013, I will electronically file the foregoing with the Clerk of Court using the Court's CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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